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ATTORNEY DOCKET NO. 06119/011002

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Steven E. Robbins  
Serial No.: 08/873,876  
Filed : June 12, 1997  
Title : RESILIENT SOLE FOR USE IN ARTICLES OF

Art Unit: 3728  
Examiner: Patterson

FOOTWEAR TO ENHANCE BALANCE AND STABILITY

Assistant Commissioner for Patents  
Washington, DC 20231

RESPONSE TO ACTION DATED DECEMBER 11, 1998

Reconsideration and withdrawal of the rejections are requested in view of the following remarks.

Specification - 35 USC § 112

The Examiner has objected to the specification under 37 CFR 1.71 for failing to provide an enabling disclosure that adequately teaches how to make and/or use the invention.

The Examiner states that:

"...applicant has provided a single example of material which would work, this example has a 'resiliency index' of 0.156 and a Shore A hardness of A5. It is not clear how applicant assumes that a material with a 'resiliency index' in the entire range of 0.05-0.5 would work or for the Shore A hardness range of A2-A40, preferably A2-A14, since the only material disclosed has an index of 0.156 and A5 and according to the Declaration filed 5/8/98 applicant has found only one other material in the stated range which has an index of 0.218. Since applicant has stated that the other commonly used shoe materials have an index above 0.6, there is no clear evidence of why applicant contends or assumes that an index of 0.5, 0.4 or 0.3 would be appropriate. It is not clear how or why a measurement of almost 3 times the index of the material applicant has found would be considered appropriate."

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